



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Ann Brown
 Commissioner Mary Sheila Gall
 Commissioner Thomas H. Moore

ITEM:

Final PPPA Rules to Require Child-Resistant Packaging for Certain Household Products Containing Hydrocarbons

DECISION:

The Commission voted unanimously (3-0) to approve final rules to require child-resistant (CR) packaging for certain household products containing hydrocarbons. Separate statements were filed by Chairman Brown, Commissioner Gall, and Commissioner Moore, copies attached.

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson".

Todd A. Stevenson
Acting Secretary

* Ballot vote due October 16, 2001

Statement of the Honorable Ann Brown, Chairman
Supporting a Final Rule for
Child Resistant Packaging for Substances Containing Hydrocarbons

October 16, 2001

I voted today in favor of two final rules to require child-resistant packaging for some common household products and cosmetics containing hydrocarbons. Hydrocarbons are usually oily substances that can kill or permanently injure children if they are aspirated into the lungs. These household products are common in the home, and they have the capacity to kill children.

From 1997 to 1999 there have been 6,400 emergency room visits including children under five years of age who ingested household products that frequently contain hydrocarbons. When a child aspirates a large amount of one of these substances into the lungs, there is not much a doctor can do. They can cause a pneumonia-like condition, irreversible and permanent lung damage, disability and even death. Medical science has found no method yet for safely removing these oily substances from the lungs. It is estimated that it would only cost half a penny to 2 cents per package to make these products child-resistant.

Isn't a child's life worth two cents?

Five children have died since 1993 from drinking and then aspirating these products that contain hydrocarbons – three of them from baby oil. The most recent death happened in May when a 16-month old California boy, Jaiden Bryson, drank baby oil, while his father prepared dinner.

On May 2 in the early evening, all five of the Bryson children were at home, including Jaiden and his 16-month old twin brother, who were playing, as their dad, Charles, prepared dinner. Suddenly, Charles heard Jaiden cry out. He immediately ran into the living room and found Jaiden with baby oil all over his face, clothes and the carpeting. One of the twins had climbed up on a shelf and tipped a basket of products off. Jaiden grabbed the baby oil and drank it. The next day, Jaiden appeared to be very sick – panting for air and breathing very heavily. Mrs. Bryson took Jaiden to her pediatrician's office. Jaiden was then rushed by ambulance to the hospital with a 103-degree fever. Little Jaiden ended up in intensive care. He was put on a ventilator, where he remained for 28 days. On May 30, Jaiden died. The death certificate listed aspiration of baby oil as the cause of death. This seemingly innocuous baby oil caused pneumonia and irreversible lung damage to an innocent 16-month old child.

Our mission is to see that no other child dies like Jaiden died. Therefore, I am dedicating this rule in honor of Jaiden Bryson – “The Jaiden Bryson Hydrocarbon Rule.” We can do no less.

There are two proposed rules. The first rule would apply to a wide range of *common cleaning solvents* such as: specialty cleaners; adhesive removers; spot removers; wood oil cleaners; floor cleaners; metal cleaners; and gun cleaning solvents containing kerosene. It would also apply to automotive *chemicals* such as: gasoline additives; fuel injector cleaners; carburetor cleaners; and tire dressings. The rule would also cover *some water repellants* like those used for decks, shoes, and sports equipment. The second rule would cover some cosmetics including certain baby oils; sunscreens; hair oils; makeup removers; body oils; bath oils; and nail enamel dryers.

We know that child-resistant packaging saves lives. But since the packaging is child-resistant, not childproof, parents also need to keep baby oil and other potentially poisonous substances locked up and out of the touch of children.



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**STATEMENT OF THE HONORABLE MARY SHEILA GALL
IN FAVOR OF A FINAL RULE REQUIRING
CHILD-RESISTANT PACKAGING FOR
SUBSTANCES CONTAINING HYDROCARBONS**

October 16, 2001

Today I voted in favor of a final rule under the Poison Prevention Packaging Act (PPPA) requiring that certain substances containing hydrocarbons be placed in child-resistant (CR) packaging. The data developed by the staff amply demonstrates that the criteria of the PPPA for requiring CR packaging for these substances have been met. Placing hydrocarbons in CR packaging will help to reduce the number of accidental ingestions, especially of substances that people have little reason to suspect of being hazardous, such as baby oil.

Child-resistant packaging of any substance is, however, only the "last line of defense" against accidental ingestions of harmful substances. The incidents investigated by the staff showed examples of where substances distributed in CR packaging had been placed by consumers in non-CR packaging and subsequently ingested by children. The staff also uncovered ingestions where a CR package had been left open. No CR packaging will fulfill its intended purpose unless the harmful substance is kept in CR packaging and the CR closure used.

Adults who keep substances that may harm children should store them where children will not have access to them. Such substances should not be removed from CR packaging until they are used, and the CR features should be reengaged whenever the product is put away. Finally, all parents and caregivers should keep the telephone number of a poison control center handy so that competent advice can be sought if an ingestion does occur. This combination of handling and packaging should reduce both the number and the severity of children's poisonings.



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STATEMENT OF VICE CHAIRMAN THOMAS H. MOORE
ON THE FINAL RULE TO REQUIRE CHILD-RESISTANT PACKAGING
FOR LOW-VISCOSITY HYDROCARBON CONTAINING SUBSTANCES
October 16, 2001

Today, I join my fellow Commissioners in voting to issue the final rule to require child-resistant packaging for low-viscosity liquid hydrocarbons. I have done so because I believe that the information that has been provided by our staff sufficiently supports their recommendation to issue the final rule.

To issue a final rule under the PPPA, this Commission must make certain findings. First and foremost, we must find that there are potentially serious consequences to the availability of a substance to children, that the availability must be by reason of its packaging, and that special packaging is required to protect children from the serious consequences of that substance's availability. Additionally, the Commission must find that child-resistant packaging is technically feasible, practicable, and appropriate for products that fall within the scope of the regulation.

I think that the Commission staff has done an excellent job of determining what properties of a product lead to an aspiration hazard and then defining which products contain those properties. In addition, the Commission staff has provided clear evidence that young children are exposed to these products and that aspirations have occurred as a result of that exposure. In voting to issue this final rule today, the Commission extends important protective measures to a range of products that we have clearly determined to be potentially dangerous to vulnerable young children.

However, simply providing products in CR packaging cannot, by itself, completely remove the risk of a product being ingested and aspirated by young children. Parents and caregivers must be cognizant of the potential harm that these products present and must be vigilant in providing the proper supervision when these products are present in a child's environment. I am absolutely certain that these steps taken together will prevent future serious accidents from occurring.